> disposition, constitute the law of the case. The [law of the case] doctrine precludes our reconsideration of the [previously decided issue] unless one of three "exceptional circumstances" exists: the evidence in a subsequent trial was substantially different; controlling authority has since made a contrary decision of law applicable to such issues; or the decision was clearly erroneous, and would work a substantial injustice.

Id. (quoting *Kori Corp. v. Wilco Marsh Buggies & Draglines*, 761 F.2d 649, 657 (Fed. Cir.), *cert. denied*, 474 U.S. 902, 88 L. Ed. 2d 229, 106 S. Ct. 230 (1985)). None of the "exceptional circumstances" described above applies here, meaning that this Court's rejection of Petitioners' arguments in the earlier appeal should stand.

V. The Supreme Court is not the place to resolve factual disputes. Throughout the Petition, the Petitioners argue for their version of the facts, and take issue with manner in which the Court of Appeals viewed the facts or drew inferences from those facts. In *Southern Power Co. v. North Carolina Public Service Co.*, 263 U.S. 508 (1924), this Court dismissed a writ of certiorari it had previously granted, holding:

> The argument developed that the controverted question was whether the evidence sufficed to establish actual dedication of petitioner's property to public use – primarily a question of fact. That is not the ground upon which we granted the petition, and, if sufficiently developed, would not have moved us thereto.

Id. at 509.

The Petitioners at various places in the Petition refer to the "record" and argue that certain rulings by the Court of Appeals are not supported by the record. This Court does not have the record before it on a Petition for Writ of Certiorari, and consequently all references to the record in the Petition should be ignored.

CONCLUSION

For the foregoing reasons, the Petition should be denied.

Respectfully submitted,

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